

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division

ARLESS EDWARDS, JR.,	)	
	)	
Plaintiff,	)	CIVIL DIVISION
	)	
v.	)	Case No. 7:20-cv-471
	)	
FEDEX GROUND PACKAGE SYSTEM,	)	
INC., and MICHAEL P. CLARKE,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

NOW comes the Defendants, FedEx Ground Package System, Inc. (“FXG”) and Michael P. Clarke (“Clarke”) (collectively “Defendants”), by and through their attorneys, Woods Rogers, PLC, and file this Notice of Removal pursuant to 28 U.S.C. § 1441, et seq. Defendants submit that the United States District Court for the Western District of Virginia has original diversity jurisdiction over this civil action and this matter may be removed to the United States District Court for the Western District of Virginia in accordance with the procedures provided at 28 U.S.C. § 1446. In further support of this Notice of Removal, Defendants state as follows:

1. Plaintiff initiated this action by filing a Complaint in Montgomery County on July 16, 2020. A true and correct copy of the Complaint is attached hereto as **Exhibit A**.
2. On July 16, 2020, Plaintiff served Requests for Admission, Interrogatories, and Requests for Production of Documents directed to FXG (hereinafter “discovery”). A true and correct copy of the discovery is attached hereto as **Exhibit B**.

3. Upon information and belief, the Complaint and discovery constitute all of the pleadings, process, and orders which were filed or served in connection with the state court action.

4. Plaintiff is an adult individual residing in Virginia.

5. Both at the time Plaintiff initiated this action and the time of this Removal, Plaintiff was and is a citizen of Virginia.

6. FXG is a Delaware corporation with its principal place of business in Pennsylvania with an address of 1000 FedEx Drive, Coraopolis, Pennsylvania 15108.

7. Both at the time Plaintiff initiated this action and at the time of this Removal, FXG was and is a citizen of Delaware and Pennsylvania.

8. Clarke is a citizen of New York.

9. Both at the time Plaintiff initiated this action and at the time of this Removal, Clarke was and is a citizen of New York.

10. Plaintiff's Complaint seeks damages for his alleged injuries arising out of a motor vehicle accident that occurred on January 24, 2019 on I-81 in Montgomery County, Virginia.

11. Plaintiff alleges he is entitled to \$1,050,000.00 as a result of the above-referenced motor vehicle accident.

12. As Plaintiff alleges he is entitled to \$1,050,000.00, the amount in controversy exceeds the jurisdictional requirement of \$75,000.

13. Because Plaintiff and Defendants are citizens of different states, and because the amount in controversy exceeds \$75,000, the United States District Court for the Western District of Virginia has original jurisdiction over this matter. See 28 U.S.C. § 1332.

14. Section 1332 confers original over all civil matters where the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

15. Defendants submit that this matter may be removed to the United States District Court for the Western District of Virginia pursuant to 28 U.S.C. § 1441, which permits removal of any civil action to the district court that has original jurisdiction.

WHEREFORE, Defendants this civil action to the United States District Court for the Western District of Virginia pursuant to 28 U.S.C. § 1441.

Respectfully,

FEDEX GROUND PACKAGE SYSTEM, INC.,  
and MICHAEL P. CLARKE

By: /s/ J. Walton Milam, III.

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J. Walton Milam III (VSB No. 89406)  
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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on this 11<sup>th</sup> day of August, 2020, a true and correct copy of the **NOTICE OF REMOVAL** was served via the ECF System and via Federal Express, postage prepaid, upon the following:

**E-mail: rpopp@skolrood.com**  
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\_\_\_\_\_/s/ J. Walton Milam, III.